UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,903	10/30/2001	Cherisse M. Nicastro	TRIRG-01001US0	5789

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EXAMINER
NGUYEN, CINDY

ART UNIT	PAPER NUMBER
2171	

DATE MAILED: 01/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *10/09/02*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-51* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-51* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *30 October 2001* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *7* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

This is in response to application filed on October 30, 2001 in which claims 1-51 are presented for examination.

1. *Information Disclosure Statement*

The information disclosure statement filed on 10/07/02 is in compliance with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609. Because it has been placed in the application file, and the information referred to therein has been considered as to the merits.

2. *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear to the Examiner, what is meant by "allocation value" recited in claim 1. there is no definition of this term in the specification.

As per claims 1-8 and 15-21, these claims depend from claim 1 therefore also rejected.

3. *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 1-3, 5-7, 9-13, 22-25 and 27 are rejected under 35 U.S.C. 102(b) as being

anticipated by Krause (U.S 5950206) provided by Applicant.

Regarding claim 1, Krause discloses: An data structure stored in a data store (44, fig. 2

and corresponding text, Krause), comprising: a plurality of data values comprising an item

specification provided in a plurality of data fields describing an item (col. 4, lines 56-62,

Krause), said data fields including: at least one attribute value; at least one component value

(all the fields for the user can enter the values e.g. project field, current project,.. in fig. 6,

Krause); and at least one allocation value (all the fields that contain the default value for the

user can click on the arrow key to select as owner field, view field in fig. 6 and corresponding

text, Krause).

Regarding claim 9, Krause discloses: A method for constructing data concerning item

specifications of an asset, comprising: providing a user data entry interface(fig. 6 and

corresponding text, Krause); receiving a plurality of data values (52, fig. 3 and corresponding

text, Krause), each into a data field of the interface, wherein the plurality of data fields comprise

a specification for the item and each data field of the specification describes an attribute of the

item (col. 5, lines 2-18, Krause), and storing the specification into a database on a computer

system (44, fig. 2 and corresponding text, Krause).

Regarding claims 2 and 10, all the limitations of these claims have been noted in the

rejection of claims 1 and 9 above, respectively. In addition, Krause discloses: wherein the

attribute comprises one of a group consisting of the following: a physical attribute of the item;

and a functional attribute of the item (col. 6, lines 9-30, Krause).

Regarding claim 3, all the limitations of this claim have been noted in the rejection of

claim 1 above. In addition, Krause discloses: wherein the specification further includes a

virtual area association (fig. 6 and corresponding text, Krause).

Regarding claim 5, all the limitations of this claim have been noted in the rejection of

claim 1 above. In addition, Krause discloses: further including at least one history

tracking field identifying changes to data in said other fields (col. 5, lines 36-45, Krause).

Regarding claim 6, all the limitations of this claim have been noted in the rejection of

claim 5 above. In addition, Krause discloses: wherein said history tracking field is

updated based on a publication process (col. 5, lines 25-35, Krause).

Regarding claim 7, all the limitations of this claim have been noted in the rejection of

claim 1 above. In addition, Krause discloses: further including an item type defining said

data fields for at least one item specification (col. 4, lines 56-62, Krause).

Regarding claim 8, all the limitations of this claim have been noted in the rejection of claim 1

above. In addition, Krause discloses: further including a schedule definition comprising at least one

specification (36, fig. 2 and corresponding text, Krause).

Regarding claim 11, all the limitations of this claim have been noted in the rejection of

claim 9 above. In addition, Krause discloses: wherein the method further includes: storing an

item object in the database (col. 4, lines 56-62, Krause); creating a relationship between the

item object and the specification; storing the relationship in the database (col. 4, lines 35-55,

Krause).

Regarding claim 12, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Krause discloses: wherein said step of providing occurs on a first computer and said step of storing occurs on a second computer (col. 4, lines 35-55, Krause).

Regarding claim 13, all the limitations of this claim have been noted in the rejection of claim 12 above. In addition, Krause discloses: wherein said step or providing includes providing said user data entry interface to a first computer and said step of receiving occurs on a second computer, and said first and second computers are coupled by a network (col. 4, lines 35-55, Krause).

Regarding claim 22, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Krause discloses: wherein said receiving step includes defining a configurable data object by performing at least one of a group consisting of the following: defining the configurable data object; adding an attribute to the configurable data object; modifying an attribute of the configurable data object; and removing an attribute from the configurable data object (col. 7, lines 1-16, Krause).

Regarding claim 23, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Krause discloses: wherein the method includes the sub-step of configuring a configurable data object (fig 3 and corresponding text, Krause).

Regarding claim 24, all the limitations of this claim have been noted in the rejection of claim 9 above. In addition, Krause discloses: wherein the configurable data object comprises a specification for the item (col. 4, lines 35-62, Krause).

Regarding claim 25, all the limitations of this claim have been noted in the rejection of

claim 9 above. In addition, Krause discloses: wherein the steps of providing and receiving are

performed on a computer coupled to a network (col. 4, lines 35-62, Krause).

Regarding claim 27, all the limitations of this claim have been noted in the rejection of

claim 25 above. In addition, Krause discloses: wherein the step of receiving is performed by

receiving data from an item management application provided as part of the data entry

interface(fig. 6 and corresponding text, Krause).

5.   *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set

forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102
> of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art
> to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   **Claims 4, 35 and 41-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over**

Krause (U.S 5950206) provided by Applicant in view of Ito (U.S 5761674) provided by Applicant.

Regarding claim 4, all the limitations of these claims have been noted in the rejection of

claim 1 above. However, Krause didn't disclose: further including an item type data structure,

including attribute definitions and component definitions. On the other hand, Ito discloses:

further including an item type data structure, including attribute definitions (col. 6, lines 38-61,

Ito)and component definitions (col. 6, lines 18-29, Ito). Thus, at the time invention was made, it

would have been obvious to a person of ordinary skill in the art to include an item type data

structure, including attribute definitions and component definitions in the system of Krause as

taught by Ito. The motivation being to enable the system constructed the project model by combining together a product model that defies a product and a process model that is described as a set of hierarchical objects in the form of views which are arranged along the flow of productive activities (col. 2, lines 38-51, Ito).

Regarding claim 35, Krause/Ito discloses: 35. A system for defining and managing an asset, comprising: a data store for item specification data provided (44, fig. 2 and corresponding text, Krause) on a host computer (40, fig. 2 and corresponding text, Krause) coupled to a network (32, fig. 2 and corresponding text, Krause); and a data input toolset (col. 9, lines 39-49, Ito) comprising at least an item type manager (col. 10, lines 22-35, Ito) and an item specification manager (col. 10, lines 57-57, Ito). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include a data input toolset in the system of Krause as taught by Ito. The motivation being to enable the system used the sub model for application for a construction planning aid system (col. 9, lines 25-37, Ito).

Regarding claim 41, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Krause/Ito discloses: wherein the data store and the data input toolset are provided on the host computer (CAD system).

Regarding claim 42, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Krause/Ito discloses: wherein the data store is provided on the host computer and the data input toolset is provided to a second, client computer (col. 9, lines 39-49, Ito).

Regarding claim 43, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Krause/Ito discloses: wherein the toolset is provided by an applications server computer (col. 9, lines 39-49, Ito).

Regarding claim 44, all the limitations of this claim have been noted in the rejection of claim 42 above. In addition, Krause/Ito discloses: wherein the host computer is coupled to the Internet and the data input toolset is provided to a client computer via the Internet (col. 4, lines 35-55, Krause).

Regarding claim 45, all the limitations of this claim have been noted in the rejection of claim 42 above. In addition, Krause/Ito discloses: wherein the host computer is coupled to the Internet and the data store is accessible by a plurality of clients via the Internet (col. 4, lines 35-55, Krause).

Regarding claim 46, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Krause/Ito discloses: further including a specification reference tracking facility (col. 5, lines 36-45, Krause).

Regarding claim 47, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Krause/Ito discloses: further including a linking facility allowing project participants to link project areas to item specification data (col. 5, lines 65 to col. 6, lines 8, Krause).

Regarding claim 48, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Krause/Ito discloses: further including a permissions facility regulating the actions of project participants with respect to item specification data in the data store (col. 4, lines 63 to col. 5, lines 18, Krause).

Regarding claim 49, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Krause/Ito discloses: further including an approval routing tool based on a publication of at least one item specification (col. 4, lines 63 to col. 5, lines 18, Krause).

Regarding claim 50, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Krause/Ito discloses: further including a notification tool linked to specific actions affecting data in the data store (col. 5, lines 36-45, Krause) and providing notifications to project participants when specific actions occur as defined by a user set business rules (col. 12, lines 55-58, Ito).

Regarding claim 51, all the limitations of this claim have been noted in the rejection of claim 35 above. In addition, Krause/Ito discloses: further including a history tracking system tracking changes to data in the data store (col. 5, lines 36-45, Krause).

7.   **Claims 14-21, 26, 28-30, 33, 36, 37 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krause (U.S 5950206) provided by Applicant in view of Bentley et al. (U.S 6063128) (Bentley).**

Regarding claim 15, all the limitations of these claims have been noted in the rejection of claim 1 above. However, Krause didn't disclose: wherein said step of providing comprises providing a template creation tool. On the other hand, Bentley discloses: wherein said step of providing comprises providing a template creation tool (58, fig. 5 and corresponding text, Bentley). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include an item type data structure, including a template creation tool in the system of Krause as taught by Bentley. The motivation being enable the user uses the

template for creating container classes, provides a flexible programming technique for classes (col. 15, lines 21-40, Bentley).

Regarding claim 16, all the limitations of this claim have been noted in the rejection of claim 15 above. In addition, Krause/Bentley discloses: wherein said step of providing comprises providing a specification creation tool (62, fig. 5 and corresponding text, Bentley).

Regarding claim 17, all the limitations of this claim have been noted in the rejection of claim 15 above. In addition, Krause/Bentley discloses: wherein said step of providing comprises providing a specification management tool (70, fig. 8 and corresponding text, Bentley).

Regarding claim 18, all the limitations of this claim have been noted in the rejection of claim 15 above. In addition, Krause/Bentley discloses further including the steps of: defining a specification template (58, fig. 5, Bentley); and said step of receiving comprises: receiving said data values into one or more templates to create one or more specifications (col. 15, lines 32-41, Bentley).

Regarding claim 19, all the limitations of this claim have been noted in the rejection of claim 18 above. In addition, Krause/Bentley discloses wherein said step of defining said template comprises: receiving general properties information; and receiving attribute information (fig 6 and corresponding text, Krause)

Regarding claim 20, all the limitations of this claim have been noted in the rejection of claim 19 above. In addition, Krause/Bentley discloses wherein said step of defining further includes receiving component information (col. 12, lines 27-48, Bentley).

Regarding claim 21, all the limitations of this claim have been noted in the rejection of claim 25 above. In addition, Krause/Bentley discloses wherein said step of defining further includes receiving preferences information (col. 16, lines 22-38, Bentley).

Regarding claims 14 and 26 , all the limitations of these claims have been noted in the rejection of claims 13 and 25 above, respectively. In addition, Krause/Bentley discloses: wherein the network is the Internet (col. 50, line 49-60, Bentley).

Regarding claim 28, Krause/Bentley discloses: A method of allowing users to manage an asset, comprising: (a) providing an application server coupled to a network (40, 32 fig. 2 and corresponding text, Krause); (b) providing, responsive to a client request, an item specification management toolset including at least one template definition application (col. 48, lines 38-49, Bentley); and (c) receiving data from the client and storing it in a database (col. 5, lines 25-35, Krause). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include an item type data structure, including the step b in the system of Krause as taught by Bentley. The motivation being enable the user uses the template for creating container classes, provides a flexible programming technique for classes (col. 15, lines 21-40, Bentley).

Regarding claims 29 and 36, all the limitations of these claims have been noted in the rejection of claims 28 and 35 above, respectively. In addition, Krause/Bentley discloses wherein said step (b) comprises providing an item specification publisher (col. 48, lines 38-55, Bentley).

Regarding claims 30 and 37, all the limitations of these claims have been noted in the rejection of claims 28 and 35 above, respectively. In addition, Krause/Bentley discloses wherein

said step (b) comprises providing an item specification schedule builder (col. 5, lines 25-35, Krause).

Regarding claims 33 and 40, all the limitations of this claim have been noted in the rejection of claims 28 and 40 above, respectively. In addition, Krause/Bentley discloses: comprises providing an item specification creation wizard (instruction set 54, fig. 3, Krause).

8.   **Claims 31, 32, 34, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krause (U.S 5950206) provided by Applicant in view of Bentley et al. (U.S 6063128) (Bentley) further in view of Ito (U.S 5761674) provided by Applicant.**

Regarding claims 31 and 38, all the limitations of these claims have been noted in the rejection of claims 28 and 35 above, respectively. However, Krause/Bentley didn't disclose: wherein said step (b) comprises providing an attribute manager. On the other hand, Ito disclose: providing an attribute manager (col. 9, lines 13-24, Ito). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include an item type data structure, including attribute manager in the combination system of Krause/Bentley as taught by Ito. The motivation being to enable the user input his position in the project and a right of access by which a specific user can access specific portion of the model is provided in the form of an interface (col. 9, lines 12-24, Ito).

Regarding claims 32 and 39, all the limitations of these claims have been noted in the rejection of claims 28 and 35 above, respectively. In addition, Krause/Bentley/Ito discloses wherein said step (b) comprises providing a component manager (col. 11, 32-37, Ito). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include an item type data structure, including component manager in the combination system

of Krause/Bentley as taught by Ito. The motivation being to enable the user input his position

in the project and a right of access by which a specific user can access specific portion of the

model is provided in the form of an interface (col. 9, lines 12-24, Ito).

Regarding claim 34, all the limitations of this claim have been noted in the rejection of

claim 28 above. In addition, Krause/Bentley/Ito discloses wherein said step (c) comprises

receiving data from the item specification management toolset including one of at least attribute

data or component data (col. 9, lines 39-49, Ito).

9.   *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Zhang et al. (U.S 6016478). Scheduling system with methods for peer to peer scheduling

of remote users.

10.   *Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can

normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet

Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this

application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306

for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should

be directed to the receptionist whose telephone number is 703-305-3900.

CN

Cindy Nguyen
January 12, 2004

WAYNE AMSBURY
PRIMARY PATENT EXAMINER